

DATE: January 26, 2018

TO: Karl Moritz, Director of Planning
Department of Planning and Zoning

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0130
Administrative Review for New Use
Site Use: Restaurant
Applicant: Dylan Kough
Location: 3250 Duke Street
Zone: CL / Commercial Low

Request

Special Use Permit #2017-0130 is a request to operate a restaurant at 3250 Duke Street. The applicant seeks to operate a 20-seat restaurant offering a barbeque based menu. The applicant would offer dine in as well as carry out services, and operating hours of 11 a.m. to 3 p.m., and 5 p.m. to 10 p.m., daily. The business plans to operate under the name Smoking Kow.

Background

Several restaurants have occupied this site since 1989 (SUP#2309), and staff has administratively approved several ownership changes and amendments over the years.

In 2015, a Fire Department inspection revealed a combustible dust hazard which was abated with the installation of a heat protector around the baking oven. Fire code violations were discovered in April 2016 for the lack of emergency lights in the dining room and kitchen; obstruction of the egress path to the rear exit; flush-bolt locks at the rear exit doors; and combustible waste at the rear of the building. The violations were corrected.

Parking

According to Section 8-200(A)(8), one off-street parking space is required for every four restaurant seats. The applicant is therefore required to provide 5 parking spaces. It meets the requirement with five spaces in front of the restaurant.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Seminary Hill Association and Rosemont Citizen's Association received notification of the SUP request. Staff has not received any comments from residents during the noticing period.

Staff Action

Staff supports the request for a restaurant at this location. This location has served as the site for many restaurants over the years, and staff finds the use to be compatible. A restaurant in this location would serve workers and shoppers who frequent Duke Street as well as provide a diversity in restaurant options for this area. Staff has standardized hours to allow the applicant flexibility in the business operation (Condition #6). Staff has included standard conditions to mitigate potential impacts such as seats (Condition #7), odor (Condition #23), trash (Condition #21), and litter (Condition #27).

Staff hereby approves this Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 26, 2017

Action: Approve

ADP


Karl Moritz, Director of Planning and Zoning

- Attachments:
- 1) Special Use Permit Conditions
 - 2) City Department Comments
 - 3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2017-0130

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. At least one trash container shall be located in the parking area for the use of patrons, the container shall not be permitted to overflow, and the area around it shall be kept clean. (P&Z)
4. No food, beverages, or other material shall be stored outside. (P&Z)
6. The hours of operation shall be limited to the following 9 a.m. to 12 midnight, daily. (P&Z)
7. Seating shall be provided inside for no more than 20 patrons. (P&Z)
8. No outside dining facilities shall be located on the premises. (P&Z)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
10. Barriers shall be maintained, on the east side of the front parking lot to prevent vehicles from falling onto the adjoining property to the satisfaction of the Director of Planning and Zoning. (P&Z)
11. No delivery service shall be permitted from the restaurant. (P&Z)
13. No live entertainment shall be provided at the restaurant. (P&Z)
14. On-premises alcohol sales are permitted. (P&Z)
15. The applicant shall require its employees who drive to use off-street parking. (T&ES)
16. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
17. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

18. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
19. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
20. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
21. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
22. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
23. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
24. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
25. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
26. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
27. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
23. The Director of Planning and Zoning shall review the special use permit one year from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as the result of a

complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 The five spaces on-site satisfy the zoning requirement for a 20 seat restaurant. (T&ES)
- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalx@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalx@alexandriava.gov for more information about available resources. (T&ES)
- R-4 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-5 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-6 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-7 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-8 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-9 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

- R-10 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-11 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-12 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-13 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:
No comments received.

Fire:
No comments or concerns.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0130. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 3250 Duke Street.



Applicant - Signature

1/26/2018

Date

Applicant - Printed

Date